



Michael Masnick

Urgent / Supreme Court Injunction – Contempt of Court, Invasion of Privacy, Data Protection, Cyber-Harassment & Copyright Infringement Notice and Breach of Terms of Service Notification (Without Prejudice Save as to Costs – TechDirt)

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Wed, May 25, 2016 at 2:40 PM

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NOTIFICATION
Pursuant to (as applicable)

- UK CONTEMPT OF COURT ACT (CONTEMPT OF COURT NOTICE)
- CALIFORNIA CONSTITUTION ARTICLE 1 §1 (INVASION OF PRIVACY NOTICE)
- EUROPEAN CONVENTION ON HUMAN RIGHTS ARTICLE 8 (INVASION OF PRIVACY NOTICE)
- FEDERAL DATA PROTECTION REGULATIONS (CRIMINAL DISCLOSURE NOTICE)
- EU DATA PROTECTION DIRECTIVE (CRIMINAL DISCLOSURE NOTICE)
- UK DATA PROTECTION ACT (CRIMINAL DISCLOSURE NOTICE)
- FEDERAL COMMUNICATIONS DECENCY ACT (MALICIOUS COMMUNICATIONS NOTICE)
- CALIFORNIA PENAL CODE §646.9 & §653.2 (MALICIOUS COMMUNICATIONS NOTICE)
- CALIFORNIA CIVIL CODE § 1708.7 (MALICIOUS COMMUNICATIONS NOTICE)
- UK COMMUNICATIONS ACT (MALICIOUS COMMUNICATIONS NOTICE)
- UK PREVENTION OF HARASSMENT ACT (MALICIOUS COMMUNICATIONS NOTICE)
- UK COMPUTER MISUSE ACT (MALICIOUS COMMUNICATIONS NOTICE)
- DIGITAL MILLENNIUM COPYRIGHT ACT (COPYRIGHT INFRINGEMENT NOTICE)
- EUROPEAN UNION COPYRIGHT DIRECTIVE (COPYRIGHT INFRINGEMENT NOTICE)
- FEDERAL TRADE COMMISSION E-COMMERCE REGULATIONS (CONSUMER PROTECTION NOTICE)
- EUROPEAN UNION E-COMMERCE DIRECTIVE (CONSUMER PROTECTION NOTICE)
- INTERNATIONAL CONVENTION ON CYBERCRIME (PROCEEDS OF CRIME & MONEY LAUNDERING NOTICE)

– and –

NOTICE OF BREACH OF ISP'S / HOST'S PUBLISHED TERMS OF SERVICE
NOTICE OF BREACH OF WEB-SITE'S PUBLISHED TERMS OF SERVICE

*** SUPREME COURT INJUNCTION & CONTEMPT OF COURT ADVISORY – For the avoidance of doubt, the private information published by the violating and infringing web-site that is the subject of this complaint (the details of which are set-out in the notification below – including, but not limited to, the identity of the relevant Claimant / Appellant) is the subject of an interlocutory injunction upheld by the Supreme Court (of the High Courts of Justice, London, England). As such, the publication of and / or linking to all such private information and data in a manner reasonably and foreseeably accessible from the United Kingdom, clearly contravenes and violates the terms of the said Order / Supreme Court injunction and would constitute a contempt of court. Please Refer To PJS -v- NEWS GROUP NEWSPAPERS LTD [2016] UKSC 26 (CASE REFERENCE UKSC 2016/0080). A copy of the relevant Judgment of the Supreme Court is accessible via following url :

<https://www.supremecourt.uk/cases/docs/uksc-2016-0080-judgment.pdf>. Appropriate remedial action shall be taken against all parties violating or attempting to violate the said injunction. ***

*** DATA PROTECTION ADVISORY – For the further avoidance of doubt, elements of the private information published by the violating and infringing web-site (the details of which again are set-out in the notification below) constitute clear violations of Federal, California State, European Union, United Kingdom and international data protection and criminal laws. Furthermore, any commercial dealings in such data would also constitute additional, criminal violations and infractions and all resulting proceeds of such activities would de facto constitute proceeds of crime (and which, in turn, would also give rise to money laundering violations and infractions). ***

*** INVASION-OF-PRIVACY ADVISORY – Again for the avoidance of doubt, the relevant information / data / images (the details of which are once again set-out in the notification below) and all corresponding / associated data constitutes private and personal information and any publication, distribution, 'posting' or other form of dealing in such information / data / images constitutes a clear violation of Federal, California State, European Union, United Kingdom and international privacy protection laws and treaties (including Human Rights treaties). ***

*** HARASSMENT ADVISORY – For the further avoidance of doubt, the publication, distribution, 'posting' and certain other forms of dealing in the relevant private information / data / images (the details of which are again set-out in the notification below) may, in specific contexts, also constitute a criminal violation of Federal, California State, European Union, United Kingdom and international harassment, incitement and cyber-stalking laws. ***

*** COPYRIGHT ADVISORY – Again for the further avoidance of doubt and as applicable, the copyright in elements of the private information / data / images published by the violating and infringing web-site (the details of which are again set-out in the notification below) may be owned by the Complainant – as specified / defined below – for the remaining period of copyright in all applicable countries of the world (including, but not limited to, the United States of America). Any unauthorized use or exploitation of any such relevant copyrights – whether in connection with so-called 'product endorsement', implied endorsement, third party advertising or otherwise – would be entirely bogus and constitute an infringement of copyright, rights-of-publicity, goodwill and all other pertinent rights of an intellectual property nature. Such activities would also blatantly infringe and contravene Federal, California State, European Union, United Kingdom and international consumer protection laws. ***

*** ISP & SITE TERMS OF SERVICE ADVISORY – The Complainant is also legally entitled to expect both the Infringing / Violating Web-Site (again all terms as specified / defined below) and its pertinent ISP to uphold / enforce their own, respective, published Terms & Conditions / Acceptable Use Policies and, as such, the Complainant is a party who may, with reasonable foresight, suffer loss and damage by reason of any failure to uphold such published Terms & Conditions / Acceptable Use Policies through the publishing – or the enablement of publishing – of private information / data / images, malicious communications, invasions of privacy or other published violations or infringements of the Complainant's rights. ***

*** CACHE ADVISORY – Again for the absolute avoidance of doubt and by way of further guidance, this notification / request relates to both A. the violating and infringing web-pages notified below and, equally, B. the source files and so-called 'robots.txt' files containing and otherwise relating to these web-pages on the Infringing / Violating Web-Site's servers (as applicable). Accordingly, please ensure the removal of all relevant server-stored web-pages and robots.txt files at the same time as the corresponding web-pages are taken-down and in order to also ensure that any such server-stored web-pages and files are not indexed / re-indexed and published by internet search engines (and, equally, so that such search engines' listings and caches can be properly cleared of the pertinent, violating and infringing content). Thank You. ***

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1. Complainant : APPELLANT (COMPLAINANT'S IDENTITY PROTECTED BY SUPREME COURT RULING / ORDER)
2. Rights Agent : WEB SHERIFF®

3. Infringed Rights : A. PRIVACY RIGHTS (PROTECTED BY INJUNCTION / CONTEMPT OF COURT), B. DATA PROTECTION RIGHTS (DITTO), C. HUMAN RIGHTS (DITTO), D. RIGHT-OF-PUBLICITY (NAME & IMAGE RIGHTS), E. PERSONAL GOODWILL & REPUTATION, F. BUSINESS GOODWILL & REPUTATION, G. COPYRIGHT & H. CONSUMER PROTECTION RIGHTS (AS APPLICABLE – PLEASE SEE URL LIST BELOW)

4. Infringed Individual(s) / Entities : APPELLANT (COMPLAINANT'S IDENTITY PROTECTED BY COURT OF APPEAL RULING / ORDER)

5. Infringing / Violating Materials : A. ILLEGALLY PUBLISHED PRIVATE INFORMATION / DATA / IMAGES WHICH ARE THE SUBJECT OF AN INTERLOCUTORY INJUNCTION & ALLIED REPORTING RESTRICTIONS UPHELD BY THE SUPREME COURT OF THE HIGH COURTS OF JUSTICE, LONDON, ENGLAND (AND THE PUBLICATION OF WHICH CONTRAVENES & VIOLATES THE TERMS OF THE SAID INJUNCTION & REPORTING RESTRICTIONS), B. ILLEGALLY PUBLISHED PRIVATE INFORMATION / DATA / IMAGES THAT VIOLATE INTERNATIONAL & DOMESTIC DATA PROTECTION LEGISLATION & TREATIES, C. ILLEGALLY PUBLISHED PRIVATE INFORMATION / DATA / IMAGES THAT INFRINGE THE HUMAN RIGHTS / RIGHT-TO-PRIVACY OF THE SUBJECTS OF THE RELEVANT INFORMATION / DATA / IMAGES, D. ILLEGALLY PUBLISHED PRIVATE INFORMATION / DATA / IMAGES THAT INFRINGE THE RIGHT-OF-PUBLICITY OF THE PERTINENT SUBJECTS OF THE RELEVANT INFORMATION / DATA / IMAGES, E. ILLEGALLY PUBLISHED PRIVATE INFORMATION / DATA / IMAGES THAT INFRINGE THE PERSONAL GOODWILL & REPUTATION OF THE SUBJECTS OF THE RELEVANT INFORMATION / DATA / IMAGES, F. ILLEGALLY PUBLISHED PRIVATE INFORMATION / DATA / IMAGES THAT INFRINGE THE BUSINESS GOODWILL & REPUTATION OF THE SUBJECTS OF THE RELEVANT INFORMATION / DATA / IMAGES, G. ILLEGALLY PUBLISHED PRIVATE INFORMATION / DATA / IMAGES THAT VIOLATE INTERNATIONAL & DOMESTIC CONSUMER PROTECTION LEGISLATION & TREATIES, H. ILLEGALLY PUBLISHED PRIVATE INFORMATION / DATA / IMAGES THAT VIOLATE INTERNATIONAL & DOMESTIC HARASSMENT, MALICIOUS COMMUNICATIONS & CYBER-STALKING LEGISLATION & TREATIES, I. ILLEGALLY PUBLISHED PRIVATE INFORMATION / DATA / IMAGES THAT VIOLATE INTERNATIONAL & DOMESTIC PROCEEDS OF CRIME & MONEY LAUNDERING LEGISLATION & TREATIES, J. ILLEGALLY PUBLISHED & PIRATED COPYRIGHT CONTENT / IMAGES THAT INFRINGE THE COMPLAINANT'S COPYRIGHT, K. ILLEGALLY PUBLISHED PRIVATE INFORMATION / DATA / IMAGES THE PUBLICATION OF WHICH BREACHES THE ISP'S / HOST'S PUBLISHED TERMS OF SERVICE & ACCEPTABLE USE POLICY, L. ILLEGALLY PUBLISHED PRIVATE INFORMATION / DATA / IMAGES THE PUBLICATION OF WHICH BREACHES THE INFRINGING / VIOLATING WEB SITE'S PUBLISHED TERMS OF SERVICE & ACCEPTABLE USE POLICY (AS APPLICABLE – PLEASE SEE URL LIST BELOW).

6. Infringing / Violating Activity (as applicable) :

A. PUBLICATION IN CONTEMPT OF COURT (ILLEGAL PUBLICATION, DIGITAL DISTRIBUTION & EXPLOITATION OF PRIVATE INFORMATION, DATA & IMAGES WHICH ARE THE SUBJECT OF A COURT INJUNCTION UPHELD BY THE SUPREME COURT, LONDON, ENGLAND AND IN DIRECT CONTRAVENTION / VIOLATION OF SUCH ORDER / INJUNCTION AND ALL RELEVANT REPORTING RESTRICTIONS RELATING THERETO)

B. HUMAN RIGHTS VIOLATIONS (VIOLATION OF INTERNATIONAL & DOMESTIC HUMAN RIGHTS LEGISLATION AND TREATIES THROUGH FAILURE TO ABIDE BY RIGHT-TO-PRIVACY PURSUANT TO, INTER ALIA, ARTICLE 8 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS & ARTICLE 1 §1 OF THE CALIFORNIA CONSTITUTION AND WAY OF THE ILLEGAL PUBLICATION, DIGITAL DISTRIBUTION & EXPLOITATION OF PRIVATE INFORMATION WHICH IS THE SUBJECT OF A COURT INJUNCTION AND IN CIRCUMSTANCES WHERE THE SUBJECTS OF SUCH INFORMATION / DATA / IMAGES HAD A REASONABLE EXPECTATION OF AND LEGAL ENTITLEMENT TO PRIVACY)

C. DATA PROTECTION VIOLATIONS (VIOLATION OF INTERNATIONAL & DOMESTIC DATA PROTECTION LEGISLATION & TREATIES THROUGH FAILURE TO ABIDE BY SUCH DATA PROTECTION LAWS AND BY WAY OF THE ILLEGAL PUBLICATION, DIGITAL DISTRIBUTION & EXPLOITATION OF PRIVATE INFORMATION WHICH IS THE SUBJECT OF A COURT INJUNCTION)

D. RIGHT-OF-PUBLICITY INFRINGEMENT (UNAUTHORIZED PUBLICATION, EXPLOITATION & DIGITAL DISTRIBUTION OF NAMES AND / OR LIKENESSES PLUS FALSE ENDORSEMENT OF THIRD PARTY GOODS & SERVICES THROUGH UNAUTHORIZED PUBLICATION, DIGITAL DISTRIBUTION & EXPLOITATION OF NAMES AND / OR LIKENESSES IN DIRECT CONJUNCTION & JUXTAPOSITION WITH UNAUTHORIZED ADVERTISING FOR SUCH THIRD PARTY GOODS & SERVICES AND / OR OTHERWISE

BY WAY OF ILLEGALLY IMPLIED ENDORSEMENTS)

E. PERSONAL GOODWILL & REPUTATION INFRINGEMENT (UNAUTHORIZED EXPLOITATION OF PERSONAL GOODWILL & REPUTATION PLUS FALSE ENDORSEMENT OF THIRD PARTY GOODS & SERVICES THROUGH UNAUTHORIZED EXPLOITATION OF PERSONAL GOODWILL & REPUTATION IN DIRECT CONJUNCTION & JUXTAPOSITION WITH UNAUTHORIZED ADVERTISING FOR SUCH THIRD PARTY GOODS & SERVICES AND / OR OTHERWISE BY WAY OF ILLEGALLY IMPLIED ENDORSEMENTS)

F. BUSINESS GOODWILL & REPUTATION INFRINGEMENT (UNAUTHORIZED EXPLOITATION OF BUSINESS GOODWILL & REPUTATION PLUS FALSE ENDORSEMENT OF THIRD PARTY GOODS & SERVICES THROUGH UNAUTHORIZED EXPLOITATION OF BUSINESS GOODWILL & REPUTATION IN DIRECT CONJUNCTION & JUXTAPOSITION WITH UNAUTHORIZED ADVERTISING FOR SUCH THIRD PARTY GOODS & SERVICES AND / OR OTHERWISE BY WAY OF ILLEGALLY IMPLIED ENDORSEMENTS)

G. HARASSMENT, MALICIOUS COMMUNICATIONS & CYBER-STALKING VIOLATIONS (VIOLATION OF INTERNATIONAL & DOMESTIC HARASSMENT, MALICIOUS COMMUNICATIONS & CYBER-STALKING LEGISLATION & TREATIES THROUGH THE POSTING OF MALICIOUS COMMUNICATIONS AND OTHERWISE THROUGH THE PUBLICATION OF MATERIALS WITH THE INTENTION TO WILFULLY & MALICIOUSLY HARASS)

H. COPYRIGHT INFRINGEMENT (UNAUTHORIZED PUBLICATION, DIGITAL DISTRIBUTION & EXPLOITATION OF COPYRIGHT MATERIALS PLUS FALSE ENDORSEMENT OF THIRD PARTY GOODS & SERVICES THROUGH UNAUTHORIZED DIGITAL DISTRIBUTION & EXPLOITATION OF COPYRIGHT MATERIALS IN DIRECT CONJUNCTION & JUXTAPOSITION WITH UNAUTHORIZED ADVERTISING FOR SUCH THIRD PARTY GOODS & SERVICES)

I. CONSUMER PROTECTION RIGHTS VIOLATIONS (VIOLATIONS OF INTERNATIONAL & DOMESTIC CONSUMER PROTECTION LEGISLATION & TREATIES THROUGH MISLEADING AND DECEPTIVE TRADE PRACTICES & FALSE ENDORSEMENTS AND / OR THROUGH FAILURE TO PUBLISH LEGAL OWNERSHIP DETAILS OF INFRINGING / VIOLATING WEB SITE AND / OR FAILURE TO PUBLISH FULL, ADDRESS & CONTACT DETAILS FOR INFRINGING / VIOLATING WEB SITE)

J. PROCEEDS OF CRIME & MONEY LAUNDERING VIOLATIONS (VIOLATIONS OF INTERNATIONAL & DOMESTIC PROCEEDS OF CRIME & MONEY LAUNDERING LEGISLATION & TREATIES THROUGH THE HANDLING AND / OR LAUNDERING OF THE PROCEEDS OF CRIMINAL ACTIVITY)

K. BREACH OF ISP'S / HOST'S PUBLISHED TERMS OF SERVICE & ACCEPTABLE USE POLICY (BY REASON OF THE ABOVE VIOLATIONS & INFRINGEMENTS)

L. BREACH OF INFRINGING / VIOLATING WEB SITE'S PUBLISHED TERMS OF SERVICE & ACCEPTABLE USE POLICY (BY REASON OF THE ABOVE VIOLATIONS & INFRINGEMENTS)

** TRADEMARK & GENERAL RESERVATION OF RIGHTS ** ALL REGISTERED, COMMON-LAW & PENDING TRADEMARK RIGHTS ARE HEREBY STRICTLY RESERVED – AS ARE ALL OTHER RIGHTS OF AN INTELLECTUAL PROPERTY NATURE (WHETHER EXPOUNDED HEREIN OR OTHERWISE).

7. Infringing / Violating Web Site : TECHDIRT.COM

8. Infringing / Violating File Location(s) :

<https://www.techdirt.com/articles/20160523/08165034524/web-sheriff-abuses-dmca-weak-attempt-to-hide-info-under-uk-high-court-injunction-fails-miserably.shtml>

9. DMCA / EUCD / Notification Request : Please remove Infringing / Violating Materials and Infringing / Violating Activity from Infringing / Violating File Location(s) ASAP : thank you.

NOTE 1 : The above activities breach – inter alia – numerous provisions of the relevant internet service provider's Terms of Service. Moreover, the Rights Owner(s) and Infringed Individual(s) / Entities have a right to expect the relevant internet service provider to enforce its own, published Terms of Service in an expeditious and proactive manner. As such, all accumulated, worldwide rights and civil and regulatory remedies remain reserved in full.

NOTE 2 : As publisher of the Infringing / Violating Materials, the Infringing / Violating Web Site is liable to the Rights Owners(s) and the Infringed Individual(s) / Entities in multiple, international jurisdictions and for the multiple infringements and violations of the rights of the Rights Owner(s) and the Infringed Individual(s) / Entities. Moreover, the above activities breach – inter alia – numerous provisions of the Infringing / Violating Web Site's published Terms of Service and the Rights Owner(s) and the Infringed Individual(s) / Entities have a right to expect the Infringing / Violating Web Site to enforce its own, published Terms of Service in an expeditious and proactive manner. As such, all accumulated, worldwide rights and civil and regulatory remedies similarly remain reserved in full.

NOTE 3 : In addition to constituting infringements of intellectual property rights, the above activities may (or may not – as applicable) constitute criminal violations and infractions, as well as the violation of international and domestic consumer protection and anti-money-laundering laws. As such, all accumulated, worldwide rights and regulatory and criminal remedies also remain reserved in full.

10. Signature :

John E. Henehan LL.B.

for and on behalf of

WEB SHERIFF®

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(Signed as Duly Authorized Rights Agent
of the Rights Owner(s) Specified Herein)

"I have a good faith belief that use of the copyrighted – and other infringing and violating – materials I will submit via email (as applicable) and allege to be infringing are not authorized by the owner of the pertinent rights, their agents, or the law. I swear, under penalty of perjury, that the information I submit in each and every notification I will send shall be accurate and that I shall be, at the time of notification, either the intellectual property rights owner(s) or authorized to act on behalf of the owner(s) of the exclusive rights that are allegedly infringed."

NOTE 4 :

The information contained in this notification is accurate and, under penalty of perjury, Web Sheriff® is authorized to act on behalf of the exclusive owner(s) of the rights alleged to have been infringed in this notification. Both Web Sheriff® and the Rights Owner(s) specified herein have a good faith belief that the infringing party specified above has no right or entitlement to exploit or otherwise impinge upon the Infringed Rights specified herein.

NOTE 5 :

This notification is issued without prejudice (save as to costs) to the accumulated, worldwide rights and civil, regulatory and criminal remedies of the Rights Owner(s) specified herein and in relation to the infringements specified herein – including, but not limited to, the right to seek injunctive relief, disclosure, damages and costs and the right to pursue regulatory and criminal prosecutions – all of which rights are hereby reserved in full.

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